

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

0660-0165-0X PCT

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR
09/462,480

INTERNATIONAL APPLICATION NO.
PCT/IB98/01091

INTERNATIONAL FILING DATE
16 JULY 1998

PRIORITY DATE CLAIMED
16 JULY 1997

TITLE OF INVENTION
A POLYNUCLEOTIDE FUNCTIONALLY CODING FOR THE LHP PROTEIN FROM
MYCOBACTERIUM TUBERCULOSIS, ITS BIOLOGICALLY ACTIVE DERIVATIVE FRAGMENTS,
AS WELL AS METHODS USING THE SAME

APPLICANT(S) FOR DO/EO/US

Brigitte GICQUEL, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Certificate of Mailing by Express Mail
19. ☐ Other items or information:

Submission of Declaration under 37 CFR 1.495

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 09/462,480	INTERNATIONAL APPLICATION NO. PCT/IB98/01091	ATTORNEY'S DOCKET NUMBER 0660-0165-0X PCT
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20. The following fees are submitted:.

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):-

☐ Search Report has been prepared by the EPO or JPO **\$840.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) **\$670.00**

☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) **\$760.00**

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$970.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) **\$96.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	51 - 20 =	31	x \$22.00	\$682.00
Independent claims	4 - 3 =	1	x \$82.00	\$82.00
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$764.00
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				\$0.00
SUBTOTAL =				\$764.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00
TOTAL NATIONAL FEE =				\$764.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00
TOTAL FEES ENCLOSED =				\$764.00
				Amount to be: refunded \$
				charged \$

CALCULATIONS PTO USE ONLY

☒ A check in the amount of **\$764.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.


☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **15-0030** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
 1755 Jefferson Davis Highway, Fourth Floor
 Crystal Square Five
 Arlington, Virginia 22202
 703-413-3000

WILLIAM E. BEAUMONT
REGISTRATION NUMBER 30,996


 SIGNATURE

Norman F. Oblon
 NAME

24,618
 REGISTRATION NUMBER

March 6, 2000
 DATE

DOCKET NO. 0660-0165-0X PCT

IN RE APPLICATION OF: Brigitte GICQUEL, et al.

SERIAL NO.: 09/462,480

FILED: 18 January 2000

FOR: A POLYNUCLEOTIDE FUNCTIONALLY CODING FOR THE LHP PROTEIN FROM MYCOBACTERIUM TUBERCULOSIS, ITS BIOLOGICALLY ACTIVE DERIVATIVE FRAGMENTS, AS WELL AS METHODS USING THE SAME

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.
- ☒ Additional documents filed herewith: PCT Transmittal Letter/Declaration/Preliminary Amendment
Check for \$764.00

The fee has been calculated as shown below.


THE FEE HAS BEEN CALCULATED BY THE SMALL ENTITY

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA				
					RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
TOTAL	* 51	MINUS	** 51	= 0	X9 =	\$	X18 =	\$.00
INDEP	* 4	MINUS	*** 4	= 0	X39 =	\$	X78 =	\$.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+130=	\$	+260=	\$
TOTAL						\$	TOTAL	\$.00

A check in the amount of \$_____ is attached.

- XX Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- XX If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon
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- *If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.
**If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.
***If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.

DOCKET NO. .0660-0165-0X PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brigitte GICQUEL, et al.

SERIAL NUMBER: 09/462,480

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ACTIVE DERIVATIVE FRAGMENTS, AS WELL AS METHODS USING THE SAME

SUBMISSION OF DECLARATION UNDER 37 CFR 1.495

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In accordance with the provisions of 37 CFR 1.495 Applicants submits herewith a Rule
63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application has now met all the requirements under 35
U.S.C. 371 for entering the national stage. An early receipt of the Notification of Acceptance
is hereby earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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